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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>5259-046/NP</b>
INTERNATIONAL APPLICATION NO. <b>PCT/JP2004/001891</b>		U.S. APPLICATION NO. (if known) 37 CFR 1.5) <b>10/522831</b>
INTERNATIONAL FILING DATE <b>19 February 2004 (19.02.2004)</b>		PRIORITY DATE CLAIMED <b>27 February 2003 (27.02.2003)</b>
TITLE OF INVENTION <b>Optical Communication Network System, Wavelength-Routing Device, Communication Node, and Optical Path Management Method and Device for Optical Cross Connect Device</b>		
APPLICANT(S) FOR DO/EO/US <b>MORIWAKI, Osamu, et al.</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Express Mail Trans. (EV 570 160 541 US), Check for \$1,600, Eng. Translation of Formal Drawings (29 pages); Form HDP-1449 w/ ISR & 38 cited references, Published App. No. WO 2004/077716 A1, and Return Postcard.**

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/522831</div>		INTERNATIONAL APPLICATION NO. PCT/JP2004/001891		ATTORNEY'S DOCKET NUMBER 5259-046/NP	
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21. The following fees are submitted:				Applicant use	Office use only
<input checked="" type="checkbox"/>	a) Basic national fee.....	\$300.00		\$ 300.00	
<input checked="" type="checkbox"/>	b) Examination fee.....	\$200.00		\$ 200.00	
<input checked="" type="checkbox"/>	c) Search fee.....	\$500.00		\$ 500.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
99 - 100 =	-1 /50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	13 - 20 =	0	x \$50.00	\$ 0.00	
Independent claims	4 - 3 =	1	x \$200.00	\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,560.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 1,560.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 1,560.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 1,600.00	
Amount to be refunded:					\$
Amount to be charged					\$

a. ☒ A check in the amount of \$ 1,600.00 to cover the above fees is enclosed.


b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:  
 Gregory A. Stobbs  
 HARNESS, DICKEY & PIERCE, P.L.C.  
 P. O. Box 828  
 Bloomfield Hills, MI 48303  
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 SIGNATURE  
 Gregory A. Stobbs  
 NAME  
 28,764  
 REGISTRATION NUMBER  
 Dated: February 2, 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EV 570 160 541 US

Date of Deposit: 2 February 2005

Application No.: Not yet assigned – 371 of PCT/JP2004/001891

International  
Filing Date: 19 February 2004 (19.02.2004)

Applicant: Osamu MORIWAKI, et al.

Title: OPTICAL COMMUNICATION NETWORK SYSTEM,  
WAVELENGTH-ROUTING DEVICE, COMMUNICATION  
NODE, AND OPTICAL PATH MANAGEMENT METHOD  
AND DEVICE FOR OPTICAL CROSS CONNECT  
DEVICE

Attorney Docket: 5259-046/NP


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Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**EXPRESS MAIL TRANSMITTAL**

The following papers are being deposited with the United States Postal Service Express Mail Post Office To Addressee on 2 February 2005 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 570 160 541 US);
2. Check in the amount of \$1,600.00;
3. Transmittal Letter to the DO/EO/US Concerning  
a Filing Under 35 USC 371 (2 pages, in duplicate);
4. Application Data Sheet (5 pages);
5. English Translation of International Application (99 Pages);
6. English Translation of Formal Drawings (Figs. 1 – 32D) (29 pages);
7. Signed Declaration and Power of Attorney (4 pages);
8. Assignment Cover Sheet and Assignment (3 pages);
9. IDS with Form 1449, ISR and 38 cited references;
10. Published International Application WO 2004/077716 A1; and
11. Return Postcard.

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

  
Susan McGaw